



## EXPERT WITNESS SERVICES

Need a qualified financial & banking expert?

...Someone with the ability to effectively communicate complicated policy & concepts in simple terms?

...Someone with extensive experience in various Federal and State Court venues?

David Brown testified in jurisdictions throughout the United States. In addition to his 20+ years of experience in banking as Senior Vice President and Team Leader, he is the founding partner to a commercial bank consulting firm. He has a unique ability to communicate with judges and juries and explain complicated banking procedures and concepts in simple terms. Mr. Brown has been qualified as a banking expert in various Federal and State court venues. He is courtroom seasoned and has significant commercial lending and loan workout experience.

In the world of Banking, lending is highly regulated and must follow specific policies and processes. However, as performing commercial loans become troubled, the loan workout solutions attempted are not as well defined or regulated. In the world of loan workout, there are less formalized policies and procedures regarding troubled loan management. Decisions are often based on industry standards and practices. David Brown has been involved in multitudes of loan workouts for various institutions and loan complexities. He is an excellent resource to testify if the loan workout strategy conducted during a particular loan recovery case is typical industry practices or unfair/predatory and controlling tactics. Mr. Brown's expertise can be the difference between being awarded a summary judgment, or having to go to a jury trial and face lengthy litigation costs both actual and punitive damages.

Borrower and lender interactions and communications are often intensified during turnaround loan management situations. A lender must assume more monitoring requirements over its debtor to reduce its risk of loss. The original loan covenants are scrutinized and enforced as needed. Forbearance agreements are drawn and agreed upon as necessary. However, it remains a fine line between suggestive action and undue influence or control over its borrowers. A lender can not assume actual and participatory control of the borrower so as to render the borrower subservient to the lender. The legal ramifications of action deemed outside traditional standards or crossing the line of influence with one's debtor is immense. With the downturn of the economy, lately there has been a resurgence of "lender liability" claims by borrowers because of the continued increase of defaulted and under-collateralized commercial loans.

A few of the recent cases Mr. Brown has been an expert witness follow:

**FAMM Steel, Inc., et al v. Sovereign Bank**, No. 08-1955 (First Cir. 06/12/09)

Expert Witness for Sovereign Bank concerning issue around negotiations and forbearance agreements

**Wells Fargo v. Vermont Economic and Development Authority** Vermont District Court No. 2:2007cv00235

Expert Witness for Wells Fargo concerning the management of the loan workout by Wells Fargo

**Madlyn J. Perry** US Bankruptcy Court District of Massachusetts Ch. 13 Case No. 05-45941-JBR

Expert Witness for Mrs. Perry concerning the appropriateness of account management by Chase Home Finance LLC.

**Channel Technologies, Inc., et al v. Sovereign Bank**, N MA Superior Court CA No. SUCV2008-02678

Expert Witness for Sovereign Bank concerning reasonableness of their actions following receipt of financial statements.

## Areas of Expertise:

Commercial Banking, Financial Institutions:

Commercial Loan Workout

- › Forbearance Agreements
- › Workout Processes
- › Negotiations
- › Problem Loan Oversight
- › Industry Standards
- › Lender Liability
- › Consumer Compliance
- › Bank Accounting

Lending Issues

- › Underwriting
- › Loan Documentation
- › Loan Policies and Procedures
- › Consumer Compliance
- › Lender Liability

Deposit and Operations Issues

- › Checking and Deposit Procedures
- › Check Kiting
- › Forgeries
- › Consumer Compliance

Other Banking Issues

- › Bank Secrecy Act/Anti Money Laundering
- › Regulatory Compliance
- › Industry Standards
- › Fraud
- › Embezzlement

## Experience the RMPI Difference

Our extensive knowledge and community bank experience make RMPI the right partner to help you implement a successful Enterprise Risk Management program.

RMPI Consulting provides process improvement, as well as regulatory, enterprise risk and credit management services to Community Banks across the credit life cycle. We also help clients with interim, outsourced staffing, and our thought leadership has defined industry "best practices" on a broad range of risk management services.

Recognizing there is no "one size fits all" solution for all Community Banks, we work with each client to develop an appropriate, custom solution to solve their specific problem at a reasonable cost in an efficient manner within a scheduled deadline.

For more information, please call us or visit [rmpiconsulting.com](http://rmpiconsulting.com)



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